

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 300

This is an advisory opinion in response to your request for advice from the Ethics Commission in regard to your private consulting business.

The Commission understands the facts relative to your inquiry to be as follows:

You are an employee with discretionary authority within the Department of Environmental Services. The primary function of your branch is to regulate wastewater discharges from private businesses into the City sewer system. The branch's responsibilities include regulating the food processing industry's discharge into the City's wastewater system. This is accomplished through a program which requires the installation and maintenance of grease interceptors which minimize the discharge of oil and grease by businesses which are engaged in food preparation or clean-up.

In addition to your City employment, you have a private consulting business. A company ("XYZ") has indicated that it would like to hire you as a consultant. XYZ is a vendor, contractor, service, and consulting business. The product that it supplies and installs is a large concrete grease interceptor which can be used by businesses in the food processing industry to separate oil and grease from their wastewater prior to discharging it into the sewer system.

Although XYZ may conduct business in the City and County of Honolulu, it will not expect you to do so. Any work that you would perform for XYZ would involve dealing only with businesses outside of this jurisdiction, such as in other counties, the mainland, or foreign countries.

The ethical question presented is whether your acceptance of consulting work with XYZ would create a conflict of interest with your City position.

The general rule in relation to your question is found in the Revised Charter of the City and County of Honolulu 1973 (1994 Ed.), Section 11-102(c), which states in pertinent part:

No elected or appointed officer or employee shall... [e]ngage in any business transaction or activity or have a financial interest, direct or indirect, which is incompatible with the proper discharge of such person's official duties or which may tend to impair the independence of judgment in the performance of such person's official duties.

Since your work for XYZ will be limited to businesses outside of the City and County of Honolulu, there is no way that it could be incompatible with the proper discharge of your official duties or that it could tend to impair your independence of judgment in performing your City duties.

Therefore, based on the evidence presented, the Commission finds that no conflict of interest will be created if you accept consulting work with XYZ, since you will not represent XYZ before any

of its potential or existing clients in the City and County of Honolulu. However, if that condition of employment changes, you should seek new advice from the Ethics Commission.

Dated: July 14, 1999

FAY M. UYEMA
Chair, Ethics Commission